

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEPHANIE GILMORE,

Plaintiff,

v.

1:19-CV-888 (TJM/CFH)

SARATOGA CENTER FOR CARE LLC;
DANIELLE ZASTAWNY,

Defendants.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION and ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §2000e, *et seq.*; the New York Whistleblower Law, N.Y. Lab. Law § 740; and the New York Health Care Whistleblower Law, N.Y. Lab. Law § 741, was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, to review Plaintiff’s *in forma pauperis* application and for an initial review of the complaint pursuant to 28 U.S.C. § 1915(e). Magistrate Judge Hummel recommends that Plaintiff’s Title VII claim against Defendant Danielle Zastawny be dismissed with prejudice because individual supervisors are not subject to Title VII liability in this Circuit, and that the remainder of Plaintiff’s complaint be allowed to proceed. Magistrate Judge Hummel also recommends that if the Court adopts his recommendations, that the matter be returned to him for service of the

complaint and summonses upon the defendants. Plaintiff has not filed timely objections.

II. DISCUSSION

After examining the record, this Court has determined that the recommendations in the Report-Recommendation and Order are not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ACCEPTS and ADOPTS** the recommendations in the Report-Recommendation and Order [Dkt. No. 4] for the reasons stated therein. Therefore, it is hereby

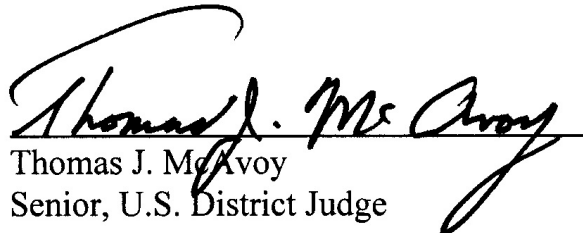
ORDERED that Plaintiff's Title VII claim as alleged against Defendant Danielle Zastawny is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED that the remainder of Plaintiff's complaint is permitted to proceed against both Defendants; and it is further

ORDERED that the Clerk of the Court return this case to Magistrate Judge Hummel for service of the complaint and summonses upon the defendants.

IT IS SO ORDERED.

Dated: November 21, 2019


Thomas J. McAvoy
Senior, U.S. District Judge